

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDRE YANICK AINA,

No. 4:21-CV-00794

Plaintiff,

(Chief Judge Brann)

v.

(Magistrate Judge Carlson)

THE COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

ORDER

NOVEMBER 28, 2022

Andre Yanick Aina filed this amended 42 U.S.C. § 1983 civil rights complaint alleging that numerous individuals and entities violated his rights with respect to his arrest and prosecution.¹ On November 3, 2022, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court deem Defendants' motion to dismiss unopposed and grant that motion or, in the alternative, dismiss the complaint for failure to prosecute.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections

¹ Doc. 12.

² Doc. 25.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s recommendation that Aina’s complaint be dismissed for failure to prosecute. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 25) is **ADOPTED**;
2. Aina’s amended complaint (Doc. 12) is **DISMISSED** with prejudice;
3. Defendants’ motion to dismiss (Doc. 22) is **DENIED** as moot; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.